

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Shuyuan Zhang
Capucine Thwin
Zheng Wu
Toohyon Cho
Shawn Gallagher

Group Art Unit: 1623

Examiner: Unknown

Atty. Dkt. No.: INGN:081/HYL

Serial No.: 09/203,078

Filed: December 1, 1998

For: AN IMPROVED METHOD FOR THE
PRODUCTION AND PURIFICATION OF
ADENOVIRAL VECTORS

CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited
with the U.S. Postal Service as First Class Mail in an
envelope addressed to: Assistant Commissioner for
Patents, Washington, D.C. 20231, on the date below:

April 13, 1999
Date

Steven L. Highlander

DECLARATION OF MS. ONITA CHEYNE
UNDER 37 C.F.R. § 1.47

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Onita Cheyne, declare that:

1. I am a U.S. citizen, residing at 10931 Crown Colony Drive, Austin, Texas. I am employed as a prosecution paralegal with the law firm of Arnold, White & Durkee, Austin, Texas.

2. Dr. Toohyon Cho is a former employee of Introgen Therapeutics, Inc., the entity which owns all intellectual property rights of the present invention. Dr. Cho is a co-inventor of the above-referenced patent application and owes a duty of assignment by virtue of his employment agreement at Introgen.

3. In the filing of a previous patent application, Serial No.: 08/975,519, of which the present application is continuation-in-part, Dr. Cho was informed of Inventors' Oath and Declaration papers that required his signature. Dr. Cho was forwarded a complete copy of the application papers, including the specification, claims, abstract, drawings, Oath and Declaration, via Federal Express to his last known address: 874 Yorkchester, #102, Houston, Texas 77079. Dr. Cho was contacted further by telephone and indicated his unwillingness to sign the Oath and Declaration papers which were sent to him with the patent application. Dr. Cho was contacted a second time by telephone and he again refused to sign the inventors' Oath and Declaration (copies attached).

4. In the normal course of business, on March 31, 1999, I forwarded a complete copy of the application papers, including the specification, claims, abstract, drawings, Oath and Declaration, to Dr. Cho via Federal Express to his last known address: 874 Yorkchester, #102, Houston, Texas 77079. On April 2, 1999, I received a telephone call from Federal Express stating that Dr. Cho could not be reached at his last known address. The enclosed documents were returned via Federal Express on April 5, 1999, as undeliverable.

5. I hereby declare that all statements made herein of my knowledge are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the U.S. Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

4-13-99
DATE

Onita Cheyne
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